

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

GARY ADAM MILLER,	:	CIVIL ACTION NO. 4:10-CV-051
Petitioner	:	
	:	
	:	(Judge Conner)
v.	:	
	:	
PA ATTORNEY GENERAL and	:	
MARIOSA LAMAS,	:	
Respondents	:	

ORDER

AND NOW, this 8th day of March, 2011, upon consideration of the Report and Recommendation of United States Magistrate Judge Martin C. Carlson (Doc. 37), recommending that plaintiff's petition for writ of habeas corpus (Doc. 1) be stayed and that the parties be required to provide status reports every ninety (90) days on the progress of the state PCRA litigation, and, following an independent review of the record and noting that plaintiff filed objections¹ to the report on February 16, 2011 (Doc. 38), and the court finding Judge Carlson's analysis to be thorough and well-reasoned, and the court finding plaintiff's objections to be without merit and squarely addressed by Judge Carlson's Report and Recommendation (Doc. 37), it is hereby ORDERED that:

¹ Where objections to a magistrate judge's report and recommendation are filed, the court must perform a *de novo* review of the contested portions of the report. Supinski v. United Parcel Serv., Civ. A. No. 06-0793, 2009 WL 113796, at *3 (M.D. Pa. Jan. 16, 2009) (citing Sample v. Diecks, 885 F.2d 1099, 1106 n. 3 (3d Cir. 1989); 28 U.S.C. § 636(b)(1)(c)). "In this regard, Local Rule of Court 72.3 requires 'written objections which . . . specifically identify the portions of the proposed findings, recommendations or report to which objection is made and the basis for those objections.'" Id. (citing Shields v. Astrue, Civ. A. No. 07-417, 2008 WL 4186951, at *6 (M.D. Pa. Sept. 8, 2008)).

1. The Report and Recommendation of Magistrate Judge Carlson (Doc. 37) are ADOPTED.
2. Plaintiff's petition for writ of habeas corpus is STAYED pending completion of petitioner's state PCRA litigation.
3. The parties are DIRECTED to provide status reports every ninety (90) days on the progress of the state PCRA litigation.
4. The above-captioned case is REMANDED to Magistrate Judge Carlson for further proceedings.

S/ Christopher C. Conner
CHRISTOPHER C. CONNER
United States District Judge